

Applicant or Patentee: Clemente et al.

Atty cket No. ASC-110.0 (2865/66576)

Serial or Patent No.:

Filed or Issued: September 3, 1998

For: EXTENDED RELEASE ACETAMINOPHEN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**

(37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN)

OCT 06 1998  
U.S. PATENT & TRADEMARK OFFICE

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Ascent Pediatrics, Inc.

ADDRESS OF CONCERN: 187 Ballardvale Street, Suite B125, Wilmington, MA 01887

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

**EXTENDED RELEASE ACETAMINOPHEN**

by inventor(s): Emmett Clemente, Aloysius O. Anaebonam, Robert W. Mendes, Abdel A. Fawzy and Eric M. Morrel

described in:

the specification filed herewith.

application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME

ADDRESS

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Emmett Clemente, Ph.D.

TITLE OF PERSON OTHER THAN OWNER

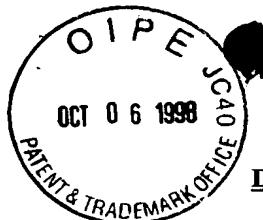
Chairman

ADDRESS OF PERSON SIGNING:

187 Ballardvale St, B125, Wilmington, MA 01887

SIGNATURE: Emmett Clemente

Date: 9/28/98



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **EXTENDED RELEASE ACETAMINOPHEN** the specification of which (check one)

is attached hereto.

was filed on September 3, 1998 as Application, Serial No. 09/146,248 and was amended on \_\_\_\_\_ (if applicable).

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information known to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

Priority Claimed

Yes No

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

Yes No

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

Yes No

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

United States Application(s)

(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status)-(Patented, pending, abandoned) \_\_\_\_\_

(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status)-(Patented, pending, abandoned) \_\_\_\_\_

(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status)-(Patented, pending, abandoned) \_\_\_\_\_

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to: WELSH & KATZ, LTD., 120 South Riverside Plaza, 22nd Floor, Chicago, Illinois 60606-3913, Telephone No.: (312) 655-1500:

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27,466  
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34,044  
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